

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MUSTAPHA HADIOUCHE,

Petitioner,

09 Civ. 2526 (DAB)

09 Civ. 3123 (DAB)

ORDER

-against-

MARC GOFFMAN and MICHAEL CHERTOFF,

Respondents.

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DEBORAH A. BATTIS, United States District Judge.

On March 19, 2009, Pro Se Petitioner Mustapha Hadiouche filed a habeas petition pursuant to 28 U.S.C. § 2241 (the "Petition"), seeking declaratory and injunctive relief to review the lawfulness of his detention by United States Immigration and Customs Enforcement (ICE) and release from custody under an order of supervision. That Petition was assigned to this Court under docket number 09 Civ. 2526 (DAB). On April 1, 2009, Petitioner filed a nearly identical Petition that was docketed at 09 Civ. 3123 and assigned to Judge Paul G. Gardephe. This Court accepted that case as related to 09 Civ. 2526 (DAB) on August 31, 2009.

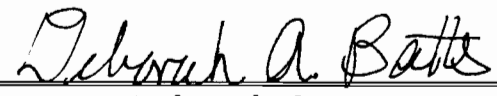
On August 21, 2009, pursuant to this Court's Order of June 26, 2009, the Government responded to the Petition in 09 Civ. 2526 (DAB), requesting that the Petition be dismissed as moot because Petitioner was released from custody on July 24, 2009 subject to an order of supervision. (Govt.'s Letter of August 21, 2009 at 1.)

Given Petitioner's release from custody, his Petition in 09

Civ. 2526 (DAB) and his Petition in 09 Civ. 3123 (DAB) are hereby dismissed as moot. See, e.g., Pierrilus v. ICE, 293 Fed. Appx. 78, 79 (2d Cir. 2008) ("[P]etitioner's challenge to the length of his detention is moot as a result of his release from DHS custody. Under 28 U.S.C. § 2241 . . . we retain jurisdiction so long as the petitioner is 'in custody.'"). The Clerk of Court is directed to close the dockets in the above-captioned matters.

SO ORDERED.

Dated: New York, New York
September 16, 2009



Deborah A. Batts
United States District Judge